IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

WP(C).No. 30841 of 2006(V)

PETITIONER:

SHAJAN, S/O. CHANDRAN,
KURIYEDATH HOUSE, KAIPPARAMBU, PERAMANGALAM,
TRICHUR TALUK.

BY ADV. SRI.P.K.ANIL

RESPONDENTS:

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1. SECRETARY, MUNDOOR SERVICE CO-OPERATIVE BANK NO.189, MUNDOOR, TRICHUR.

2. JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES, TRICHUR.

3. SUB REGISTRAR, MUNDOOR.

4. ASST.REGISTRAR OF CO-OPERATIVE SOCIETIES, TRICHUR.

5. REGISTRAR OF CO-OPERAITVE SOCIETIES, THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN FOR R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).30841/2006

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P1- TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DTED 2.11.2006

RESPONDENT'S EXHIBIT:

EXT.R1(a)- TRUE COPY OF THE NOTICE ALONG WITH THE COPY OF ARC.5265/2006

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 30841/2006

Dated this the 5th day of January, 2007

JUDGMENT

When the writ petition came up for consideration, the learned counsel for the first respondent, bank, submits that the Arbitration proceedings had been initiated against the writ petitioner and his wife and the same is pending. However, the Arbitrator had also initiated proceedings for attaching the property of the writ petitioner before judgment.

2. The counsel for the first respondent further submits that as per Section 78 of the Kerala Co-operative Societies Act, 1969, in short 'the Act', attachment before judgment had been ordered and the matter is pending. If the writ petitioner furnish a security, the attachment before judgment could be averted.

3. Therefore, the writ petitioner may approach the second respondent, the Joint Registrar, who issued the attachment order, so that the attachment could be lifted.

As the writ petitioner is also a party in the Arbitration proceedings pending before the Arbitrator, he may raise all his contentions before the Arbitrator. No further orders are necessary in this petition.

The writ petition is closed as above.

J.M.JAMES
JUDGE

mrcs